

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Bail Appl..No. 4142 of 2007()

CRIME NO.178/07 OF PALAKKAD TOWN NORTH POLICE STATION

PETITIONER

P.PRADEEP, S/O. PRABHAKARAN,
RENUKA SADAN, KAVILPPADU P.O., PALAKKAD.

BY ADV. SRI.V.V.ASOKAN
SMT.S.AMINA

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, TOWN NORTH POLICE
STATION, PALAKKAD, BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 4142 of 2007

Dated this the 9th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Section 420 I.P.C. The crux of the allegations is that job seekers were induced to part with money on the fraudulent promise that employment as Nurse will be secured abroad. A huge amount has been received from the defacto complainant. According to the defacto complainant such amounts were received on false misrepresentation. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that directions under Section 438 Cr.P.C. may be issued in favour of the petitioner. The petitioner is not in any way directly involved in the crime. The mere fact that he is employed in the firm which is alleged to have taken money may not expose the petitioner to any undeserved trauma of arrest and detention, submits the counsel.

3. The learned Prosecutor opposes the application. He submits that the investigation is at an early stage. Valuable

indications convincingly point to the complicity of the accused. There are no circumstances justifying the invocation of the discretion under Section 438 Cr.P.C., submits the learned Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Prosecutor. I am satisfied that this is a fit case where the petitioner must resort to the ordinary and normal procedure of appearing before the Investigator or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously.

4. This application is accordingly dismissed. Needless to say, if the petitioner surrenders before the Investigating Officer or the learned Magistrate having jurisdiction and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

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(R. BASANT)
Judge

B.A.No. 4142 of 2007

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